

EXHIBIT 2

Deposition of
Andrew Acosta
November 14, 2024
Volume 1

Kirkman
vs.
State of California



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Andrew Acosta

Kirkman vs.
State of California

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA
3

4 SANDRA KIRKMAN AND CARLOS) 2:23-cv-07532-DMG-SSC
5 ALANIZ, INDIVIDUALLY AND AS)
6 SUCCESSORS-IN-INTEREST TO)
7 JOHN ALANIZ, DECEASED,)
8 Plaintiffs,)
9 v.)
10 STATE OF CALIFORNIA; RAMON)
11 SILVA; AND DOES 1-10,)
12 INCLUSIVE,)
13 Defendants.)
14 _____)

12

13

14 REMOTE DEPOSITION OF ANDREW ACOSTA

15 VOLUME 1

16 North Hollywood, California

17 Thursday, November 14, 2024

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22 Reported by:
23 DENISE MARLOW
24 RPR, CSR No. 11631

25 Job No. 10153285

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1 trying to be rude; I just want to make sure we have a
2 good record. Okay?

3 A. Okay.

4 Q. Okay. So can you state and spell your full name
5 for us?

6 A. Andrew Acosta, A-N-D-R-E-W A-C-O-S-T-A.

7 Q. And your address is 7260 Shoup Avenue in West
8 Hills, California?

9 A. Yes.

10 Q. Okay. Now, it's my understanding that the
11 incident that you witnessed between an individual and
12 CHP officers on May 4, 2022, happened around
13 11:00 o'clock in the morning. Does that sound correct?

14 A. Yes.

15 Q. Can you walk me through what you were doing at
16 that time right before you witnessed the individual in
17 the freeway?

18 A. So me and my coworker, we had just gone -- we
19 just started our lunch break, so we were on our way to
20 find a place to eat. So we had got on the freeway, and
21 like not even like a minute after we got on the freeway,
22 we witnessed that individual jump in front of a truck.

23 Q. And is your coworker that you were with that
24 day, is that Giovanni Castillo?

25 A. Yes.

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1 Q. And does he still work with you?

2 A. He does, yes.

3 Q. Okay. So you were going -- you guys were on
4 your way to lunch. Where were you coming from?

5 A. I don't know the name of it, but it was one of
6 the Metro, like a Metro parking lot. I forgot the name
7 of which one we were at.

8 Q. Would it have been the Lakewood?

9 A. Yeah -- was it Lakewood? I want to say yes.

10 Q. Okay. And who was driving?

11 A. I was.

12 Q. And Geovanni was your passenger?

13 A. Yes.

14 Q. And you guys were headed to lunch. Where were
15 you guys headed?

16 A. I don't recall. I mean, I think we were just
17 going to go look for somewhere to eat.

18 Q. Okay. And you said that once you got on the
19 freeway, about a minute after that, you had witnessed
20 the individual jump in front of a semi. Is that
21 correct?

22 A. Yes.

23 Q. And were you traveling next to that semi, or
24 were you behind it?

25 A. I was like right -- right, like, completely next

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1 to it.

2 Q. Okay. To the left or the right? Do you recall?

3 A. To the left.

4 Q. Did the semi brake at all?

5 A. As soon as he hit the guy, yeah, he immediately
6 slammed on his brakes.

7 Q. And then what happened next after the individual
8 was hit and the semi had stopped?

9 A. Well, when the guy had got hit, he kind of like
10 rolled into my lane. So I had to slam on my brakes,
11 trying to avoid hitting him.

12 Q. And were you able to avoid hitting him?

13 A. Yes.

14 Q. Okay. And what did you do after you slammed on
15 your brakes?

16 A. I put our truck into park, and I went to go
17 check on him to see if he was okay.

18 Q. And when you got out of your vehicle to check on
19 him, what did you notice?

20 A. He was bleeding a lot from his head.

21 Q. Was he conscious at all?

22 A. For like the first minute, no.

23 Q. Okay. So after -- so you said for the first
24 minute he wasn't conscious. Was he -- did he ever
25 regain consciousness after that first minute?

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1 A. Yeah, yeah. Yes.

2 Q. And then what happened after that?

3 A. He -- he just got up, like after realizing where
4 he was at, and then just started walking down the side
5 of the freeway again.

6 Q. Did he say anything to you when he got up?

7 A. No.

8 Q. Did he say anything to anybody when he got up?

9 A. No.

10 Q. Other than the blood from his head, did you
11 notice any other injuries?

12 A. No.

13 Q. And so he got up and started walking on the
14 shoulder of the freeway or in the lanes of the freeway?

15 A. The shoulder.

16 Q. Okay. And what did you do after that?

17 A. I -- I started following him because I -- I had
18 a feeling that he was going to possibly do it again,
19 jump in front of traffic.

20 Q. So why, why did you feel that way?

21 A. It was just like a gut feeling that he was
22 trying to kill himself.

23 Q. At any point did you -- after this happened,
24 after you noticed this individual or you saw this
25 individual injured after jumping in front of the semi,

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1 did you call 911 at any point?

2 A. Yes, I did.

3 Q. What did you report? Do you recall?

4 A. Pretty much just somebody getting hit by the
5 truck, and then I guess the operator was asking me,
6 like, what he's doing now, and I'm pretty sure I told
7 her that he's just walking down the freeway. And I was
8 pretty much just staying on the phone with the operator
9 the whole time and explaining that he's continuing to
10 jump in front of the traffic.

11 Q. Did you at all tell the 911 dispatcher that you
12 believe this individual was trying to kill himself?

13 A. I don't remember.

14 Q. Okay. So the individual got up, he's walking
15 down the shoulder of the freeway, and you started
16 following him. Did you have a safety vest on like you
17 do today?

18 A. Yes.

19 Q. Okay. Now, you said you followed him because
20 you had a gut feeling that he was going to try and jump
21 in front of traffic. Is that accurate?

22 A. Yes.

23 Q. And did he, as you followed him, continue to try
24 and jump into traffic at all?

25 A. Yes.

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1 Q. And were you able to stop him from doing so?

2 A. I -- I tried to hold him back. I mean, I --

3 he was covered in blood. But, I mean, I -- I tried, but

4 I -- I was kind of like scared for myself that I didn't

5 want to get hit also. So I was kind of just, like,

6 standing close to, like, on the freeway side to, like,

7 stop him. But, I mean, I -- like I said, I didn't want

8 to get hit myself. So, I mean, he kind of -- like at

9 some points when he did get hit the other times, he kind

10 of just pushed me to the side and then jumped in front

11 of traffic.

12 Q. So do you recall how many times he did get hit
13 by other vehicles while you were following him?

14 A. Other than that first semi, I want to say like
15 three times.

16 Q. And each of those times, he kind of pushed you
17 out of his way so that he could get back onto the
18 freeway?

19 A. Yes.

20 Q. Now, when you were trying to prevent him from
21 going back into the freeway, were you on his left side;
22 so that means you would have been closer to where the
23 traffic was?

24 A. Yes.

25 Q. Okay. Now, you said you believe he got hit by

1 three other vehicles. So let me break that apart just a
2 little bit. So the first -- after you first started
3 following him, do you remember what type of car first
4 hit him? After he was hit by the semi and you began
5 following him, do you recall what kind of car hit him
6 the first time?

7 A. After the first semi?

8 Q. Correct.

9 A. I want to say a white truck.

10 Q. When he was hit by the truck, did it -- what
11 happened? Did he fall and lose consciousness or
12 anything like that?

13 A. He pretty much -- the truck pretty much hit him,
14 and he did not lose consciousness that time. He --
15 after he got hit, he immediately got up and started
16 walking again.

17 Q. Did he go back into the lanes of traffic, or did
18 he go back to the shoulder?

19 A. Back to the shoulder.

20 Q. Okay. And then the second time he got hit, do
21 you recall what type of vehicle it was after he got hit
22 by the truck?

23 A. He went into the side of a -- like a van.

24 Q. And what happened after he went into the side of
25 the van?

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1 A. I don't remember if he fell down or not, because
2 it -- I mean, he hit the side of it, so I don't know if
3 he fell or like he just, like, bumped into it.

4 Q. Do you recall or can you give an estimate of how
5 fast that van was traveling?

6 A. Maybe like 40, 45.

7 Q. Was traffic starting to slow down at that time?

8 A. For the first -- maybe like the first and second
9 lane, I think most of the cars were kind of like stopped
10 or, like, following us. And then like the -- the faster
11 lanes were continuing on.

12 Q. Now, when he got hit by the white truck, did he
13 purposely jump in front of it?

14 A. Yes.

15 Q. And how about when he hit the side of the van?
16 Did he purposely try and get hit by that van as well?

17 A. Yes.

18 Q. And do you recall what the individual's demeanor
19 was like after he had gotten hit by the truck?

20 A. Can you explain the demeanor?

21 Q. Yeah. In other words, did it seem -- after he
22 was hit by the truck, did it seem to phase him at all?

23 A. No.

24 Q. What about after he had got hit by the white
25 van -- or excuse me, the van? Did it phase him?

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1 A. Nope. It did not phase him.

2 Q. Did he just get up and continue to walk on the
3 shoulder after he was hit by the van?

4 A. Yes.

5 Q. Now, at any time, I mean, after -- after the
6 individual was -- strike that. Let me reask.

7 So after he was hit by the side of the van, did
8 you continue to follow him?

9 A. Yes.

10 Q. And did he say anything to you at any time?

11 A. Yeah. At some point of me, like, trying to stop
12 him, he just -- I think he was saying like, Just save
13 yourself, just over and over.

14 Q. And that was all he had said to you during the
15 encounter?

16 A. Yes.

17 Q. And what did you take that to mean?

18 A. I just think he -- he didn't want me to, like,
19 get hit by the cars myself.

20 Q. Okay. At any time -- you know, I understand
21 based on your testimony so far that the individual had
22 gotten hit by a semi that you were traveling next to.
23 At any time did you see the individual also try to put
24 his head underneath the tire of a semitruck as --

25 A. Yes.

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1 Q. -- you were following him?

2 A. Yes.

3 Q. And did that happen before he got hit by the
4 white truck or after?

5 A. After.

6 Q. Okay. Was it before he got -- before he hit the
7 side of the van or after?

8 A. I think that was the second thing that happened
9 after this first semi hit him.

10 Q. Okay. Can you describe what he did as far as
11 putting his head under the tire?

12 A. So like I said earlier, like I guess like the
13 first two lanes of traffic were pretty slow, considering
14 there was the two of us on the side of the freeway. So
15 everybody was looking. And that semi that he'd put his
16 head under the tire was going really slow, and I'm
17 pretty sure that semitruck driver was looking in his
18 mirrors, seeing what was going on. So he was slowly
19 coming to a stop before his tires had went over his
20 head.

21 Q. And did anybody try and, you know, move the
22 individual from away from the tires, or did he just --
23 or describe to me what happened after that.

24 A. I think he had just -- he had just gotten up
25 after that truck had come to a stop.

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1 Q. And did he continue walking down the shoulder
2 after that?

3 A. Yes.

4 Q. Okay. Now, I understand that the individual
5 didn't say anything to you other than something to the
6 effect of, Save yourself. But did he appear to be in
7 any sort of distress?

8 A. Yes.

9 Q. Can you explain that to me?

10 A. I guess he just seemed to be like really out of
11 it, like his main goal was pretty much -- I -- when I
12 was trying to talk to him, like he was just constantly
13 looking for cars to jump in front of. And that -- he
14 was just pretty much ignoring me, what I was trying
15 to -- like me trying to help him, and he just had that
16 one goal in mind.

17 Q. And what goal was that?

18 A. To kill himself.

19 MS. LEAP: I'm going to object. Calls for
20 speculation.

21 BY MS. REYES:

22 Q. And when you say he just seemed out of it, what
23 do you mean?

24 A. I mean, I'm -- I guess he was just -- what
25 anybody would think, he's just full of adrenaline. I

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1 mean, after getting hit by a truck, I know a lot of
2 people would be hurt and just stayed, you know, down.
3 But he -- I think he was just full of adrenaline, just
4 wanting to kill himself.

5 Q. And that was just based on your personal
6 perception of him while --

7 A. Yes.

8 Q. -- you were following him that day?

9 A. Yes.

10 Q. And do you recall what -- how far you had
11 followed him from where you stopped your truck up and to
12 the time that the CHP officers arrived?

13 A. Oh, man.

14 Q. How many yards -- can you give me how many yards
15 would you estimate?

16 A. Like 150 to 200. It was pretty far.

17 Q. Do you know or can you give me an estimate of
18 how long you had been following him and trying to help
19 him prior to the officers arriving?

20 A. I don't know, like 20 minutes.

21 Q. And do you recall what this individual's
22 physical appearance was, such as his height? What would
23 you estimate that to be?

24 A. Like 5'7", 5'8". He was almost pretty much as
25 tall as I was.

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1 A. I don't know if it was an off-ramp or not.

2 Q. Okay. Now, when the motor officer arrived on
3 scene, what did you do?

4 A. I tried to stay with the guy as long as I could
5 until the officer came. And when he had came, he told
6 me to get away from him, to come to the officer -- like,
7 come over here -- because the officer wanted me to get
8 away from the guy. So I went to the officer. I went
9 behind him.

10 Q. Okay. And then after the officer on the
11 motorcycle instructed you to go behind him, did you hear
12 that officer give the individual any sort of commands?

13 A. Not any commands that I remember.

14 Q. Okay. And -- okay. So after you had went
15 behind the officer on the motorcycle, what happened
16 next?

17 A. Can you repeat that one more time?

18 Q. Yeah. So after the officer on the motorcycle
19 instructed you to go behind him and you went behind him,
20 what happened next?

21 A. I think that the -- the individual was, I don't
22 know, kind of like shocked that the cop was there. And
23 I don't really remember exactly, like anything after
24 that. I think more -- like I think more cops had just
25 started like appearing, like pretty soon.

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1 Q. Okay. And go ahead.

2 So after more cops began appearing on scene, did
3 you hear them give the individual any sort of commands?

4 A. Probably just like the typical, like, Get on the
5 ground.

6 Q. And do you recall seeing the individual comply
7 with --

8 A. No.

9 Q. -- those commands?

10 A. No. He did not.

11 Q. Now, at some point -- actually, strike that.

12 So after additional officers arrived on scene,
13 what happened next after commands were given and the
14 individual did not comply? What happened next?

15 A. It seemed like he just started getting more
16 frantic, the more cops showed up. And at one point,
17 pretty much, I think he was, like, circling, like, one
18 of the police vehicles. And that's pretty much, like,
19 when he started -- he went around it at least one more
20 time and started charging at one of the officers.

21 Q. And when you say "charging," do you mean
22 running?

23 A. Yeah.

24 Q. Was he jogging or sprinting towards the officer?

25 A. He wasn't, like, running that fast. But, I

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1 mean, he was, like, approaching him at a good speed.

2 Q. And was that the officer in the patrol vehicle,

3 or was that the motorcycle officer?

4 A. I -- I don't think it was the -- the motorcycle

5 officer.

6 Q. Okay. And after the individual started running
7 at this other officer, what happened next?

8 A. Well, they started to shoot him.

9 Q. Did you see the individual put his hands in his
10 pocket at any time?

11 A. Yes.

12 Q. When was that?

13 A. As he was charging at them.

14 Q. At the officers?

15 A. Yes.

16 Q. And did you see him pull anything out of his
17 pocket?

18 A. No.

19 Q. Do you know what hand -- what pocket he put his
20 hands into?

21 A. I -- the right pocket.

22 Q. Okay. And then after, you know, shots were
23 fired at the individual, what did the officers do after?

24 A. I don't recall.

25 Q. Okay. Do you recall seeing any officers provide

REPORTER'S CERTIFICATION

I, the undersigned, a certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that the witness in the foregoing proceedings, prior to testifying, was administered an oath; that a record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; that the foregoing transcript is a true record of the testimony given.

Further, that if the foregoing pertains to the original transcript of a deposition in a Federal Case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 18th day of November, 2024.

Denise Marlow

Denise Marlow, CSR No. 11631